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UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

10 JEFFREY YAN,) Case No. CV 14-00982 DDP (MRWx)
11 Plaintiff,)
12 v.) **ORDER REMANDING CASE**
13 GEORGE S. PROOF,)
14 Defendant.) [Docket No. 5]
15

16 Plaintiff filed an unlawful detainer Complaint against
17 Defendant in state court on December 9, 2013. The Complaint seeks
18 possession of property located at 792 Edwin Ave, Pomona, California
19 91767. Defendant, in pro per, removed the action to his court on
20 February 7, 2014. Plaintiff appears to invoke federal subject
21 matter jurisdiction on the basis of both diversity and federal
22 question jurisdiction. (See Notice of Removal at 2, 6.) However,
23 the court's sua sponte review of the Complaint and Notice of
24 Removal discloses that neither basis is properly invoked.

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26 As to diversity jurisdiction, under 28 U.S.C. 1332(a), a
27 diversity action may only be removed to federal court where there
28 is complete diversity of citizenship. Hunter v. Philip Morris USA,

1 582 F.3d 1039, 1043 (9th Cir. 2009). There is a strong presumption
2 against removal jurisdiction, which "must be rejected if there is
3 any doubt as to the right of removal in the first instance."
4 Geographic Expeditions, Inc. v. Estate of Lhotka ex. rel Lhotka,
5 599 F.3d 1102, 1107 (9th Cir. 2010) (citing Gauss v. Miles, Inc.,
6 980 F.2d 564, 567 (9th Cir. 1992)). Defendant, as the proponent of
7 federal jurisdiction, bears the burden to prove that removal is
8 proper. Id. However, Defendant has failed to bear this burden
9 because the Notice of Removal appears to assert that both parties
10 are citizens of California. (See Notice of Removal ¶¶ 2-3.)

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12 As to federal question jurisdiction, under 28 U.S.C. § 1331,
13 district courts have original jurisdiction over "all civil actions
14 arising under the Constitution, laws, or treaties of the United
15 States." However, the Complaint raises only one cause of action,
16 unlawful detainer, an issue of state law. Thus, there is no subject
17 matter jurisdiction. Nor would any defenses relying upon federal
18 law that Defendant might interpose support federal jurisdiction.
19 "Under the longstanding well-pleaded complaint rule, . . . a suit
20 'arises under' federal law only when the plaintiff's statement of
21 his own cause of action shows that it is based upon federal law."
22 Vaden v. Discover Bank, 556 U.S. 49, 60 (2009) (quotation,
23 citation, and alteration omitted).

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25 Finally, the court notes that Defendant appears to have
26 improperly attempted to file his own Complaint by way of its Notice
27 of Removal.

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2 For the forgoing reasons, this court lacks subject matter
3 jurisdiction over the instant action and REMANDS this case to
4 California state court. In addition, the EX PARTE APPLICATION
5 (DOCKET NUMBER 5) is vacated as moot.

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7 IT IS SO ORDERED.

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9 Dated: March 13, 2014



DEAN D. PREGERSON
United States District Judge

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17 cc: order, docket, remand letter to
18 Los Angeles Superior Court, Northeast District
19 Pasadena, No. 13P07970